

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>LIFESTYLE COMMUNITIES, LTD., <i>et al.</i>,</b>	)	Civil Action 2:22-CV-1775
	)	
Plaintiffs,	)	
v.	)	Judge Sarah D. Morrison
	)	
<b>CITY OF WORTHINGTON, OHIO,</b>	)	
	)	
Defendant.	)	Magistrate Judge Elizabeth P. Deavers
	)	

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**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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**EXHIBIT 23**

Message

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**From:** Robinson, David [David.Robinson@worthington.org]  
**Sent:** 5/31/2022 9:20:34 AM  
**To:** Ellen Scherer [scherer3@gmail.com]  
**BCC:** davidwhitfieldrobinson@gmail.com  
**Subject:** Re: [EXTERNAL] Citizens Call to Action

Good morning Ellen,

My apologies for the slow reply—I was traveling for twelve days overseas when the letter was received and have just now, post-Memorial Day, gotten my feet back on the ground.

I want to thank you—and all of the letter signatories—for sending this clear, well-reasoned, and forceful message to your City Council. Your letter focuses our attention on the essential truth that UMCH is the sole remaining opportunity for us to create a central public park in our beloved city. The benefits you succinctly identify, and rightly recognize that the unfolding climate crisis intensifies the importance of natural space for our community. Those who are young today, older tomorrow, will be most grateful for your foresight.

Also, very importantly, you address the necessary question of how the City can both acquire and afford the acquisition that is the prerequisite for transforming the land to public use. I share your assessment that this can be done without raising taxes, and that our approach should commence and be based upon, as you state, good faith negotiations. I believe that clarity and firmness of the City's position, combined with an offer of fair and just compensation, is what any reasonable property owner, sensitive to community interests, would respond to in a positive manner. This is the Worthington way, as your letter articulates.

So thank you again. Stay tuned—and engaged. The coming months will be extremely important in determining the trajectory of the City's actions. Your letter, and any you send in the future, as well as any other direct outreach you make to Council and the broader public, will be an important factor in shaping our shared future. I salute you.

Best Regards,

David

David Robinson  
City Council President  
Worthington, Ohio  
mobile - 614-893-4573  
david.robinson@worthington.org

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**From:** Ellen Scherer <scherer3@gmail.com>  
**Sent:** Monday, May 16, 2022 7:37 AM  
**To:** Council <el-Council@worthington.org>  
**Subject:** [EXTERNAL] Citizens Call to Action



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**Citizens Call For Worthington To Consider Purchasing The Former Methodist Children's Home Property  
To Create A Public Park**

May 16, 2022

After years of community input and good faith efforts by city leaders to encourage an appropriate mixed use development of the former United Methodist Children's Home property that includes room for a public park, Worthington has arrived at a tipping point: The right next move is for the city to explore very seriously the option of buying this 30+ acre parcel and turning it into a public park.

We say so because of the lack of success to date and because this is the last significant green space left in our landlocked town – and it is the last chance to have a substantial public park within Worthington city limits.

*If this purchase can happen through good faith negotiations, great; but if this cannot happen in the near-term, the city should, assuming it is fiscally feasible to do so without raising taxes, which appears likely to be the case, acquire the property by eminent domain for the public purpose of creating a park. This process is entirely legal and requires the city to pay the property owner a fair market price.*

The benefits of green space have been well-documented. They are profound and help explain why residents have consistently expressed support for turning much, if not all, of the children's home property into a park. The benefits range from better health to enhanced economic growth. Additionally, Worthington residents understand that improving environmental health in the midst of a climate crisis is too important an opportunity to walk away from.

And Worthington doesn't have to walk away. The city has a well-balanced budget. Indeed, it is arguably in the best shape it has been in in many years. This fiscal situation, which includes an unencumbered General Fund cash balance (3.31.22) of over \$16.5 million (54% of prior year expenditures), makes it very likely that a land purchase would be fully affordable without raising taxes; this purchase could take place through a combination of cash payment and a prudent level of borrowing made relatively cheaper because of the city's excellent AAA bond rating.

Let's move beyond negotiations that have bogged down so badly that the current property owner has filed a lawsuit against the city in federal court; instead, Worthington can work to advance a new approach that will take the community in a better direction while treating the property owner fairly.

As for the future, we think that no one will visit this park 20, 50 or even 100 years from now and say that we made a mistake. Just the opposite, they will be happy and grateful.

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**This statement is supported by the following Worthington, Ohio residents:**

Gene Adams, Ned Alexander, Barbara Armitage,, Larry Barr, Melinda Barr, Jack Bellay, Mary Jane Bellay, June Berkley, Rodger Berkley, Mary Bodkin, Dianne Breedlove, Greg Browning, Lynne Browning, Nancy Bush, Bill Charlton, Teresa Charlton, Allison Chatman, Jill Cohen, Steven Cohen, Wendy Cole, Elizabeth Cooksey, Bob Chrisman, Lori Chrisman, Blair Davis, Matt Ellis, Pamela Fair, Steve Franklin, Philip Franta, Angelika Gerbes, Chris Highley, Marianne Jurkowitz, Kay Keller, Noel Kigaraba, Sarah Kigaraba, Eileen Kobbie, Susie Kneedler, Chris LaHue, Ralph Lancaster-Gaye, Carol Masters, James Masters, L.A. McElwee, Judith McElwee, Carly McVey, Beth Mitchell, Deborah Musgrave, Lynne Musto, Ellin Patchen, Richard Patchen, Linda Roberts, Nicky Robie, James Rush, Mike Sadie, Olivia Sadie, D.S. Salz, Douglas Scherer, Ellen Scherer, Nora Scherer, John Schroeder, Ursula Schroeder, Robin Schuette, Suzanne Seals, Scott Seymour, Myriam Solomon, Patrick Terrien, Victoria Smith, Scott Taylor, Cynthia Tinapple, Miki Ushiba, Miriam Utter, Jim Ventresca, Jordy Ventresca, Kay Warren, Lynne Williams

